



OFFICE OF THE CLERK
UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
POST OFFICE & COURTHOUSE BUILDING
BOSTON, MASSACHUSETTS 02109
TELEPHONE: 617-223-9152

①
4/3

TO: MARY E. D'ANDREA, CLERK
U.S. District Court
Post Office Box 983
HARRISBURG PA 17108-0983

RE:

CIVIL ACTION #. 01-10621-RCL

CRIMINAL #. _____

Dear Clerk:

Please be advised that an order transferring the above entitled action to your court was entered on

April 23, 2001 by the Honorable Reginald C. Lindsay

The following documents are included in our file and transmitted herewith:

(4) Certified copy of the docket entries;

(1) Certified copy of the transferral order; # 1 with attachments

() Original documents numbered _____

() _____

Kindly acknowledge receipt of the above on the copy of this letter.

Respectfully,

TONY ANASTAS, CLERK

Date:

4/25/01

By:

Susan A. Gato
Deputy Clerk

cc: Counsel, File

The documents listed above were received by me on April 27 and
assigned the following case number: 1-01-cv-738

By:

George T. Bondra
Deputy Clerk

Call / Imper
13BA
Prisoner

CLOSED

U.S. District Court
U.S. District Court - Massachusetts (Boston)

CIVIL DOCKET FOR CASE #: 01-CV-10621

1-01-cv-738

Clarke v. INS
Assigned to: Judge Reginald C. Lindsay
Demand: \$0,000
Lead Docket: None
Dkt# in other court: None

Filed: 04/11/01

Nature of Suit: 550
Jurisdiction: US Defendant

Cause: 28:2241 Petition for Writ of Habeas Corpus (Federal)

GREGORY P. CLARKE
Petitioner

Gregory P. Clarke
[COR LD NTC] [PRO SE]
Pike County Jail
HC 8 Box 8601
Hawley, PA 18428

v.

IMMIGRATION & NATURALIZATION
SERVICE, US
Respondent

FILED
HARRISBURG

APR 27 2001

MARY E. D'ANDREA, CLERK
Per. gjh
DEPUTY CLERK

4/25/01
I HEREBY ATTEST AND CERTIFY ON
THAT THE FOREGOING DOCUMENT IS A FULL TRUE
AND CORRECT COPY OF THE ORIGINAL ON FILE
IN MY OFFICE AND IN MY LEGAL CUSTODY.

TONY ANASTAS
CLERK, U.S. DISTRICT COURT
DISTRICT OF MASSACHUSETTS

BY: Susan A. Debra

Proceedings include all events.

1:01cv10621 Clarke v. INS

CLOSED

4/13/01 -- Case filed without payment of filing fee or submission of application to waive prepayment of filing fee. (scj)

4/23/01 1 Judge Reginald C. Lindsay . Memorandum and Order entered. The Clerk of Court is directed to Transfer this action to the United States District Court for thhe Middle District of Pennsylvania. The clerk of Court is directed to close this case in this district. cc/pet [EOD Date 4/24/01] (scj) [Entry date 04/24/01]

4/25/01 -- Case closed. (sat)

4/25/01 -- Case file forwarded to USDC, Harrisburg, PA to who Mary E. D'Andrea, Clerk (sat)

HEREBY ATTEST AND CERTIFY ON 4/25/01
 THAT THE FOREGOING DOCUMENT IS A FULL, TRUE
 AND CORRECT COPY OF THE ORIGINAL ON FILE
 IN MY OFFICE AND IN MY LEGAL CUSTODY.

UNITED STATES DISTRICT COURT
 DISTRICT OF MASSACHUSETTS

TONY ANASTAS
 CLERK, U.S. DISTRICT COURT
 DISTRICT OF MASSACHUSETTS

BY: Susan A. Clebr

Scanned 4/24/01
 GREGORY P. CLARKE
 A 401-62-479

Petitioner,

Civil Action No. 01-10621

v.

IMMIGRATION AND NATURALIZATION
 SERVICE

Respondent.

**FILED
 HARRISBURG**

APR 27 2001

MARY E. D'ANDREA, CLERK
 Per STB
 DEPUTY CLERK

MEMORANDUM AND ORDER

On April 13, 2001, petitioner, an INS detainee at the Pike County Jail in Hawley, Pennsylvania, submitted for filing his self-prepared Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 and Appeal Fee Waiver Request form.

The Petitioner is located in another district and is in the legal custody of the Pike County Jail. Based on the recent decision in Vasquez v. Reno, 233 F.3d 688 (1st Cir. 2000), this case should be transferred to the United States District Court for the Middle District of Pennsylvania.¹

Based on the foregoing, it is hereby ORDERED that:

1. The Clerk of Court is directed to TRANSFER this action to the United States District Court for the Middle District of Pennsylvania, 235 North Washington Avenue, Scranton, PA 18503.
2. The Clerk of Court is directed to close this case in this district. SO ORDERED.

Dated at Boston, Massachusetts, this 23rd day of April, 2001.

[Signature]
 UNITED STATES DISTRICT JUDGE

¹ Decision on waiver of the \$5.00 filing fee will be left to the transferee court.

United States District Court for
The District of Massachusetts
1 Courthouse Way, Suite 9200
Boston, Massachusetts 02210

April 8, 2001

01-10621

RE: Petition for writ of Habeas Corpus
Gregory P. Clarke /A 401-62-479


01-10621 RCL

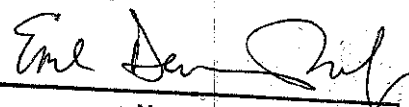
To Whom It May Concern:

My name is GREGORY P. CLARKE and I am being held detain at the Pike County Jail in Hawley, Pennsylvania. At this time I wish to file this petition in your court to determining why the INS is detaining me well over 15 months. Unfortunately I am filing this Petition for Habeas Corpus on my own, base on the grounds and facts I have explain in my petition.

I would hope that the Honorable court would review my Petition within this time, and would let me know with a director response to me. I have also ask the INS officer here why I was not moved back to a detention center located in Boston or near Boston, I hope that you can take this petition into consideration and grant me a hearing at the soonest time possibly.

I thank you for your time in this matter.


Gregory P. Clarke
Pike County Jail
HC 8 Box 8601
Hawley, PA 18428


Notarial Seal
Earl Devendorf, Notary Public
Blooming Grove Twp., Pike County
My Commission Expires July 22, 2002

4-5-01

APPEAL FEE WAIVER REQUEST

Gregory Clarke
Name:

"A" Number: 401-62-479

I, Gregory Clarke, declare under penalty of perjury, pursuant to 28 U.S.C. section 1746, that I am the Applicant/Respondent in the above case and that I am unable to pay the cost of my appeal due to my poverty. I believe that my appeal is valid and I declare that the following responses concerning my financial situation are true and correct to the best of my knowledge:

Assets

Wages, Salary \$ 0 /month

Other Income 0 /month
(business, profession,
self-employment, rent
payments, interest, etc.)

Cash 0

Checking or Savings account 0

Property 0
(real estate, automobile,
stocks, bonds, etc.)

Other Financial Support 0 /month
(public assistance, alimony,
child support, gift, parent,
spouse, other family members, etc.)

Expenses (including dependents)

Housing \$ 0 /month
(rent, mortgage, etc.)

Food 0 /month

Clothing 0 /month

Utilities 0 /month
(phone, electric, gas,
water, etc.)

Transportation 0 /month

Debts, Liabilities 0 /month

Other 0 /month
(specify)

Emil J. J. J.
Notarial Seal
Earl Davenport, Notary Public
Bloomington Grove Twp., Pike County
My Commission Expires July 22, 2002

Gregory Clarke
Signature

Date 4/8/01

PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C ss 2241

BY PERSON IN FEDERAL CUSTODY

INSTRUCTIONS- READ CAREFULLY

1. This petition must be legibly handwritten or typewritten. Signed by the petitioner and subscribed to under penalty of perjury as being true and correct. Any false statement of a material fact may serve as the basis for Prosecution and conviction for perjury. All questions must be answered concisely in the proper space on the form. Where more room is needed to answer any questions attach additional 8 ½ x11 inch paper.

2. NO citation of authorities need be furnished. If briefs of arguments are submitted, they should be submitted in the form of a separate memorandum.

3. Upon receipt of a fee of \$ 5.00 your petition will be filed if it is in proper order.

4. If you do have the necessary filing fee, you may request permission to proceed in forma paupers, in which even you must execute the affidavit on the last page, setting forth information establishing your inability to prepay the fees and costs or give security therefore. If you wish to proceed in forma paupers, you must have an authorized officer at the penal institution complete the certificate as to the amount of money and securities on deposit to your credit in any account in the institution. If your prison account exceeds \$ 150.00, you must pay the filing fee as required by the rule of the district court.

5. Only judgements entered by one court may be challenged in a single petition. If you seek to challenge judgements entered by different courts either in the same state or in different states, you must file separate petition as to each court.

6. Your attention is directed to the fact that you must include all grounds for relief and all facts supporting such for relief in the petition you file seeking relief from any judgement of conviction.

7. When the petition is fully completed, the original and two copies must be mailed to the Clerk of the United States District Court, United District Court for the District of Massachusetts, 1 Courthouse Way , Suite 9200, Boston, Massachusetts 02210.

8. Petitions which do not conform to these instructions will be returned with a notation as to the deficiency.

PETITION

1. Name and location of court which entered judgement of conviction under which you are presently confined: United States Department of Justice Immigration Court, J.F.K. Federal Building, Government Center, Room 320 Boston, MA 02203.

2. Date of judgement of conviction: December 17, 1999

3: Length of sentence: Order of Deportation, Sentencing Judge: Mr. Leonard I Shapiro.

4. Nature of offenses for which you were convicted: Violation of Immigration Law Section 237(a)(2)(A)(iii) of the Immigration & National Act, on January 5, 1998, I was convicted in the Boston Municipal Court, Boston Massachusetts for the offence and the term was 1 year or more.

5. Were you sentenced on more than one court of an indictment, or on more than one indictment, in the same court and at the same time Yes ___ No X.

6. Do you have any future sentence to sever after you complete the sentence imposed by the judgement under attack? Yes ___ No X.

(a) If so, give name and location of court which imposed sentence to be served in the future: _____.

(b) And give date length of sentence to be served in future: _____.

(c) Have you filed, or do you contemplate filing, any petition attacking the judgement which imposed to be served in the future? Yes ___ No ___.

7. State concisely every ground on which you claim that you are being held unlawfully. Summarize briefly the facts supporting each ground.

A. Ground one: I am afraid that I will remain in the INS custody for a long period of time, since I've been on a final order of deportation.

Supporting Facts (tell your story briefly without citing cases or laws): 15 months have past without the INS even able to obtain travel document from the Barbados counselor

B. Ground two: It feel that I'm being held in INS detention indefinitely Without any of relief.

Supporting Facts (tell your story briefly without citing case or laws): I have been held in custody of the INS for about 1 year 5 months without the INS effectuating my deportation, and without giving me meaningful and prospectful alternatives.

C. Ground three: The INS have has given me a review on 2/18/01 ,and on 2/01/01 I was denial and the next review is in 6 months time.

Supporting Facts (tell your story briefly without citing cases or laws): During the 13 months of my detention I requested several times to the District Director in Boston for a review and I got no responses. I wrote the Pennsylvania Congressman Mr. Bill Goodling for help and he later sent my papers to Congressman Mr. Don Sherwood for review and consideration.

D. Ground four: Where the INS moved every one from Hillsborough County Jail in New Hampshire to this facility, and months later every one was moved back to Boston or local jails. I am the only one still left in this facility.

Supporting Facts(tell your story briefly without citing case or laws): I have spoke to the INS officer about why I am still here and why haven't they moved me also back to Boston.

E. Ground five: After calling and writing the District Director in Boston and later finding out from the secretary that my case was transferred to the Philadelphia District office, and also got no response from out there either.

Supporting Facts (tell your story briefly without citing cases or laws): During the 7 months after my Appeal was withdraw I have wrote to the INS officer here at the Jail, and they said that I am not eligible for any type of relief or supervision release.

(Please insert additional grounds or Supporting facts if necessary.)

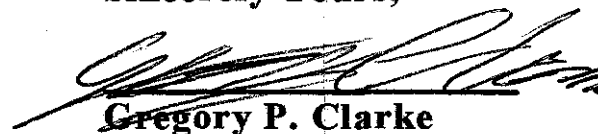
Wherefore, petition prays that the Court grant petitioner relief to which he/she may be entitled in the proceeding.

I declare under penalty of perjury that the foregoing is true and correct

Executed on 4/8/01.

Date:

Sincerely Yours,



Gregory P. Clarke
Pike County Jail
HC 8 Box 8601
Hawley, PA 18428

PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C ss 2241

BY PERSON IN FEDERAL CUSTODY

INSTRUCTIONS- READ CAREFULLY

- 1. This petition must be legibly handwritten or typewritten. Signed by the petitioner and subscribed to under penalty of perjury as being true and correct. Any false statement of a material fact may serve as the basis for Prosecution and conviction for perjury. All questions must be answered concisely in the proper space on the form. Where more room is needed to answer any questions attach additional 8 ½ x11 inch paper.**
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- 3. Upon receipt of a fee of \$ 5.00 your petition will be filed if it is in proper order.**
- 4. If you do have the necessary filing fee, you may request permission to proceed in forma paupers, in which even you must execute the affidavit on the last page, setting forth information establishing your inability to prepay the fees and costs or give security therefore. If you wish to proceed in forma paupers, you must have an authorized officer at the penal institution complete the certificate as to the amount of money and securities on deposit to your credit in any account in the institution. If your prison account exceeds \$ 150.00, you must pay the filing fee as required by the rule of the district court.**
- 5. Only judgements entered by one court may be challenged in a single petition. If you seek to challenge judgements entered by different courts either in the same state or in different states, you must file separate petition as to each court.**
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4. Nature of offenses for which you were convicted: Violation of Immigration Law Section 237(a)(2)(A)(iii) of the Immigration & National Act, on January 5, 1998, I was convicted in the Boston Municipal Court, Boston Massachusetts for the offence and the term was 1 year or more.

5. Were you sentenced on more than one court of an indictment, or on more than one indictment, in the same court and at the same time Yes ___ No X.

6. Do you have any future sentence to sever after you complete the sentence imposed by the judgement under attack? Yes ___ No X.

(a) If so, give name and location of court which imposed sentence to be served in the future: _____.

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Supporting Facts (tell your story briefly without citing cases or laws): 15 months have past without the INS even able to obtain travel document from the Barbados counselor

B. Ground two: It feel that I'm being held in INS detention indefinitely Without any of relief.

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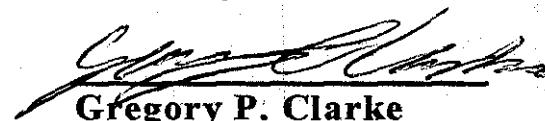
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